

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESSE ALCANTAR,

Defendant.

**4:20CR3051**

**ORDER**

Defendant has moved to modify his pretrial conditions of release so he can live in California rather than the Oxford House (Breta) in Lincoln, Nebraska. (Filing No. 40). Defendant is facing charges alleging he transported approximately three pounds of methamphetamine from California to Nebraska. At the time of his arrest, he attempted to flee. Despite the presumption of detention and Defendant's attempt to avoid arrest, the court nonetheless permitted Defendant's release on conditions. I had significant concerns when I made this decision, and I instructed pretrial services to specifically advise the Oxford House of my concerns with release and to ask the facility to contact the court immediately if Defendant exhibits any signs of noncompliance.

Simply stated, Defendant was granted his current release by a razor-thin margin.

Defendant has cited no material change in facts supporting his pending request to modify the release conditions. Defendant asks to be released to California where he was raised, a fact presented in the initial pretrial services report. While Defendant's motion states his is a cancer survivor, he does not explain why that history supports re-locating to California, and in any event, this

information is not new. The initial pretrial services report documented Defendant's cancer history, and that history dates back two decades. Based on the facts before the court during the prior release hearing, I would not have released Defendant to live in California (the source state for the methamphetamine he allegedly transported), and nothing new has been presented to change that decision.

Finally, trial is set to begin on April 19, 2021, with Defendant represented by Nebraska counsel. Defendant will need to work with his defense counsel to review the evidence and prepare for trial, a task made more difficult when the defendant lives 1500 miles away.

Accordingly,

IT IS ORDERED that Defendant's motion to modify the conditions of his release, (Filing No. 40), is denied.

March 1, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge